

REMARKS/ARGUMENTS

Claims 30-51 are pending. Claim 30 has been amended for clarity. Support for the limitation to “95% identical” is found in the specification at page 5, line 19. Claims 31-34 have been amended for economy or clarity. For example, the redundant term “*Brevibacterium*” has been removed from Claim 31. New Claims 38-50 find support in the disclosure as follows: Claims 38-40 (Claims 30 and 34), Claim 41 (page 9, lines 27-*et seq.*), Claim 42 (page 10, line 10-*et seq.*), Claims 43-44 (page 12, line 7-*et seq.*), Claims 45-47 (page 13, lines 5-9), Claim 48 (page 14, lines 16-18), Claim 50 (pages 8, 9 and 17) and Claim 51 (SEQ ID NO: 1 and page 17, lines 4-6). Thus, the Applicants believe that no new matter has been added.

The Applicants thank Examiner Fronda for his helpful comments in discussions on February 15 and 23, 2006. As discussed, Claim 30 has been revised to clearly include both structural and functional limitations and the word “gene” has been avoided.

Rejections—35 U.S.C. §112, first paragraph

Claims 31-32 and 34 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate description or enablement. The Applicants believe that these rejections are moot in view of the amendment of independent Claim 30 to refer to the sequence encoding the CcpA2 polypeptide using both structural and functional limitations.

CONCLUSION

In view of the above amendments and remarks, the Applicants respectfully submit that this application is now in condition for allowance. Early notification to that effect is earnestly solicited.

Respectfully submitted,

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